



Attorney's Docket No. 55,749 (70158)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: P. J. McCann, et al.

Application No.: 09/965,393

Group: 2177

Filed: September 27, 2001

Examiner: Lu, Kuen S.

For: APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO NETWORK
ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK OF CACHE DATA LOSS/DATA
CORRUPTION

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

RECEIVED

AUG 13 2004

Technology Center 2100

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

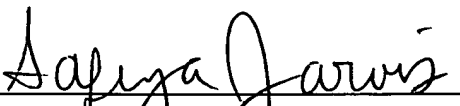
I hereby certify that the attached correspondence comprising:

1. Amendment Transmittal;
2. Response to Office Action;
3. Check in the amount of \$950; and
4. Return Receipt Postcard.

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 438 970 442 US), and is addressed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

On August 9, 2004


Safiya Jarvis



Practitioner's Docket No. 55,749 (70158)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **P. J. McCann, et al.** Confirmation: **2956**
Application No.: **09/965,393** Art Unit: **2177**
Filed: **September 27, 2001** Examiner: **Lu, Kuen S.**
For: **APPARATUS, METHOD AND SYSTEM FOR WRITING DATA TO
NETWORK ACCESSIBLE FILE SYSTEM WHILE MINIMIZING RISK
OF CACHE DATA LOSS/DATA CORRUPTION**

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

RECEIVED

AUG 13 2004

Technology Center 2100

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment for this application.

STATUS

2. [] a small entity. A statement:
[] is attached.
[] was already filed.

CERTIFICATE OF EXPRESS MAILING

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States
Postal Service with sufficient postage
as "Post Office to Addressee" in an
express mail envelope: Mail Label No.
EV 438 970 442 US addressed to
Mail Stop Amendment, Commissioner
for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Signature

Safiya Jarvis
Safiya Jarvis

Date: **August 9, 2004**

08/12/2004 WABDELRI 00000056 09965393

01 FC:1253

950.00 OP

☒ other than a small entity.

3. EXTENSION OF TERM

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: *See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.*

4. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136
(fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|-------------------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 410.00 | \$ 205.00 |
| <input checked="" type="checkbox"/> | three months | \$ 950.00 | \$ 465.00 |
| <input type="checkbox"/> | four months | \$ 1,480.00 | \$ 725.00 |

Fee: \$950.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.116(b)-(d)) has been calculated as shown below:

| [Col. 1] | [Col. 2] | [Col. 3] | Small Entity | Other Than a Small Entity |
|--|------------------------------------|------------------|-----------------------------|---------------------------|
| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Additional Fee |
| Total 00 | Minus | =0 | x \$ 9 = | \$ |
| Indep. 00 | Minus | =0 | x \$ 43 = | \$ |
| [] First Presentation of Multiple Dependent Claim | | | +\$145 = | |
| | | | + \$290 = | |
| | | | Total Addit. Fee: \$ | |
| | | | Total Addit. Fee \$ | |

-
- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required

FEE PAYMENT

6. ☒ Attached is a check in the sum of \$950.00 for additional claims.
☐ Charge Account No. 04-1105 the sum of \$

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

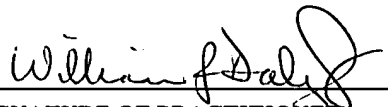
7. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Tel. No.(617) 439-4444
Date: July 27, 2004

Customer No. 21,874



SIGNATURE OF PRACTITIONER
William J. Daley, Jr. (Reg. 35,487)
Edwards & Angell, LLP
PO BOX 55874
Boston, MA 02205

BOS2_454325.1